

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 29, 1860.—Ordered to be printed.

Mr. DAVIS submitted the following

REPORT.

The Committee on Military Affairs and the Militia, to whom was referred the petition of Florian Kern, having had the same under consideration, report:

The petitioner was a captain of company D, Kentucky volunteers, in the late war with Mexico. Before and at the commencement of that war, he was the keeper of a coffee-house and tavern in the city of Louisville, in the State of Kentucky. As soon as it was believed that hostilities with Mexico were inevitable, and before any requisition was made upon the States for troops, he commenced raising a company to be offered to the United States, which he boarded at his tavern for some days previous to their being received into the United States service, and his claim is for the board of sixty-four men for twelve days each, at fifty cents a head, per day, amounting to \$384. He presents no account in detail, nor does he state the time when—the days of the month upon which—these men were so boarded, and it is obvious that the account was created before there was any authority to do so, as it is said to have been before the 17th of May, on which day they were accepted by the governor of Kentucky. All the testimony in the case goes to prove that the board was furnished “early in May, and, perhaps, in the latter part of April also;” so that the petitioner’s claim is against the men and not against the United States.

The committee ask to be discharged from further consideration of this case.

